

DOCKET NO: 239814US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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| IN RE APPLICATION OF | : DATE ALLOWED: JULY 10, 2008 |
| KAZUHIRO SHITAMA, ET AL. | : EXAMINER: RUSSELL, WANDA Z. |
| SERIAL NO: 10/612,927 | : |
| FILED: JULY 7, 2003 | : GROUP ART UNIT: 2616 |
| FOR: DATA FORWARDING CONTROLLER, COMMUNICATION TERMINAL APPARATUS, DATA COMMUNICATION SYSTEM AND METHOD, AND COMPUTER PROGRAM | : |

PETITION UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants herein petition the Commissioner to invoke his supervisory authority to require the examiner to consider the references cited in the Information Disclosure Statement filed on September 26, 2007.

The Information Disclosure Statement in conformity with the requirements of 37 C.F.R. §1.97-1.98 was filed on September 26, 2007. Copies of the Information Disclosure Statement and the date-stamped filing receipt are in PAIR. The above-referenced application has been allowed. References AO to AT cited in the former Information Disclosure Statement were never acknowledged or made of record by the examiner.

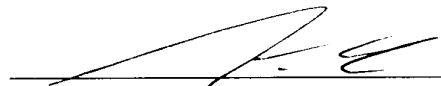
Applicant's representative, Fred L. Braun, attempted to contact the examiner by telephone and left a voicemail message requesting consideration of the IDS Statements (PTO-1449 Forms). As of yet no PTO response to the IDS or the telephone call has been received.

37 C.F.R. §1.181(a)(3) allows a petitioner to invoke the supervisory authority of the Commissioner in appropriate circumstances. Accordingly, it is respectfully requested that this Petition under 37 C.F.R. §1.181 be granted and that the examiner be directed to consider the Information Disclosure Statement filed September 26, 2007, and references AO to AT cited therein.

Although Applicants do not believe that any fee is required for the present Petition, any required fee should be charged to our Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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